

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P. NO. 31731 of 1998

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DATED: 30-03-2007

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Between:-

Thadala Nibbaraju son of Naraswimham, Hindu, aged 66 years,
Retired employee, 2-60-4, Sai Krishna Nagar, Alcot Garden,
Rajahmundry.

....PETITIONER

And

The District Collector, East Godavari District, Kakinada and another.

RESPONDENTS

...

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P. No. 31731 of 1998

ORDER

This writ petition is filed seeking a Writ of Mandamus directing the respondents to deposit compensation along with interest in pursuance of the award No.19/79 dated 07-06-1979 passed by the second respondent for acquisition of the plot bearing No. 18 of Rajahmundry Gandhipuram Building Co-operative Society Limited, Lalacheruvu, Rajahmundry.

It is the case of the petitioner that he is the owner of the plot bearing No. 18 in Block No.4 of Rajahmundry Gandhipuram Building Co-operative Society Limited, Lala Cheruvu, Rajahmundry, East Godavari District. He was a member of the said society and the said plot was allotted to him in the year 1985. The second respondent issued a notice dated 11.09.1979 to him and also the owners of the plots bearing Nos. 16, 17 and 19 of the said society stating that an extent of 34 cents of land in R.S. No. 177/2 of Rajahmundry village was acquired for construction of a Booster Station for comprehensive protected water supply scheme for Chagalanadu area under Award No. 19 of 1979 dated 07-06-1979 and directed the owners of the above said plot to appear before him on 25.09.1979. In pursuance of the said notice, he appeared before the second respondent on 25.09.1979 and he produced all the title deeds in his possession to prove his ownership over Plot No.18 and his statement was also recorded. Later by virtue of letter dated 26.09.1979 the second respondent informed

him that himself and other owners of the other plots, whose lands were acquired under award Nos. 19/79 dated 7.6.1979, are entitled for the compensation awarded as per award and it was also mentioned in the said letter that the amounts of compensation awarded for acquisition of the said lands would be deposited in Sub-Court, Rajahmundry under Section 31(2) of the Land Acquisition Act. On verification in Sub-Court, Rajahmundry he learnt that the compensation amount was not deposited. Later he wrote several letters to the second respondent, but in vain. Hence the present writ petition.

Despite the fact that notices are served on the respondents, the respondents have not chosen to file any counter affidavit.

In the absence of any counter, the averment of the petitioner that his Plot No.18 was acquired along with other plots and in that regard an award was passed, but no compensation has yet been paid to him, shall have to be presumed to be correct.

Therefore, I feel that it is a fit case wherein the respondents can be directed to pay the compensation, as awarded in Award No. 19 of 1979, dated 07-06-1979, if not already paid, to the petitioner, within a period of six weeks from the date of receipt of a copy of this order, subject to his right over Plot No.18 as well as his eligibility to receive the same.

Accordingly, the writ petition is allowed. No costs.

GOPALA KRISHNA TAMADA,J

Dated: 30.03.2007

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